

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00088

MARK CANTRELL

O R D E R

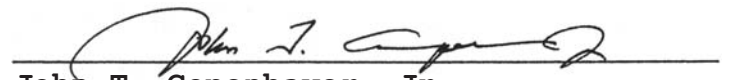
Upon defendant's Motion to Continue Generally, filed by his counsel, Mark L. French, on September 8, 2010, requesting an order continuing the trial scheduled for September 13, 2010, generally inasmuch as the defendant has been named as a defendant in the Third Superseding Indictment filed on August 11, 2010, in the case of United States v. Joseph Cleveland Ferrell, et al., Criminal No. 2:09-00137 and more time is needed in which to review the voluminous discovery regarding the new charges in order to determine the appropriate steps to take with regard to each case; and the United States, by Hunter P. Smith, Jr., Assistant United States Attorney, having no objection to a continuance of the trial to a date later than January 4, 2011, as set forth in the Response of the United States to Motion to Continue Generally, filed on September 9, 2010; it is ORDERED that the motion be, and it hereby

is, granted to the extent that the trial in this action is continued until 9:30 a.m. on January 31, 2011.

Pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), and in view of the defendant's indictment in Criminal No. 2:09-00137, the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial within the time limits established by the Speedy Trial Act, taking into account the exercise of due diligence. Accordingly, the period of delay from September 13, 2010, until January 31, 2011, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 13, 2010

  
John T. Copenhaver, Jr.  
United States District Judge

